

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

Paper No. 12

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte YU-YEN CHANG and KUO-CHEN LIN

Appeal No. 2003-0809
Application No. 09/761,296

ON BRIEF

Before ABRAMS, FRANKFORT, and NASE, Administrative Patent Judges.
NASE, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 to 4, 6 to 11, 13 and 14, which are all of the claims pending in this application.

We REVERSE.

BACKGROUND

The appellants' invention relates generally to stocker apparatus, as employed within multi-step manufacturing processes (specification, p. 1). A copy of the claims under appeal is set forth in the appendix to the appellants' brief.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

Asakawa	4,986,715	Jan. 22, 1991
Endo et al. (Endo)	5,971,696	Oct. 26, 1999

Claims 1 to 4, 6 to 11, 13 and 14 stand rejected under 35 U.S.C. § 103 as being unpatentable over Asakawa in view of Endo.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellants regarding the above-noted rejection, we make reference to the answer (Paper No. 10, mailed December 3, 2002) for the examiner's complete reasoning in support of the rejection, and to the brief (Paper No. 9, filed September 17, 2002) for the appellants' arguments thereagainst.¹

¹ The rejection of claims 10, 11, 13 and 14 under 35 U.S.C. § 112, second paragraph, made in the final rejection was withdrawn by the examiner in the answer.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by the appellants and the examiner. Upon evaluation of all the evidence before us, it is our conclusion that the evidence adduced by the examiner is insufficient to establish a prima facie case of obviousness with respect to the claims under appeal. Accordingly, we will not sustain the examiner's rejection of claims 1 to 4, 6 to 11, 13 and 14 under 35 U.S.C. § 103. Our reasoning for this determination follows.

In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). A prima facie case of obviousness is established by presenting evidence that would have led one of ordinary skill in the art to combine the relevant teachings of the references to arrive at the claimed invention. See In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988) and In re Lintner, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

All the claims under appeal recite a stocker apparatus comprising, inter alia, (1) a series of rigid exterior surface plates covering the exterior dimensions of the stocker

apparatus; (2) a minimum of six input/output ports; (3) an array of storage locations for storing an array of work in process product units; and (4) a random access transportation means for transporting a work in process product unit at least bidirectionally between the minimum of six input/output ports and a storage location within the array of storage locations.

In the rejection (answer, pp. 3-6) under 35 U.S.C. § 103 before us in this appeal, the examiner ascertained that Asakawa taught the subject matter of the independent claims on appeal (i.e., claims 1 and 8) except for the input/output stations being individual/independent load lock portals/ports.² The examiner then determined that it would have been obvious to one of ordinary skill in the art, at the time of invention, to partition the input/output locations taught by Asakawa in the manner taught by Endo.

The appellants argue that the applied prior art does not suggest the claimed subject matter. We agree. In that regard, Asakawa's stocker 1 has only four input/output ports (openings 2a, 2b, 2c and 2d) not a minimum of six input/output ports as claimed. Furthermore, Asakawa's stocker 1 does not have a random access transportation means for transporting a work in process product unit at least

² The independent claims on appeal recite a minimum of six input/output ports. The independent claims on appeal do not recite the input/output ports being individual/independent load lock portals/ports.

bidirectionally between the input/output ports and a storage location within the array of storage locations since handler mechanism 5 or 35 is not part of the stocker 1. Thus, even if it would have been obvious at the time the invention was made to a person of ordinary skill in the art to have modified Asakawa by Endo as set forth in the rejection before us in this appeal, the claimed subject matter would not have resulted.

For the reasons set forth above, the decision of the examiner to reject claims 1 to 4, 6 to 11, 13 and 14 under 35 U.S.C. § 103 is reversed.

CONCLUSION

To summarize, the decision of the examiner to reject claims 1 to 4, 6 to 11, 13 and 14 under 35 U.S.C. § 103 is reversed.

REVERSED

NEAL E. ABRAMS
Administrative Patent Judge

CHARLES E. FRANKFORT
Administrative Patent Judge

JEFFREY V. NASE
Administrative Patent Judge

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TUNG & ASSOCIATES
838 W. LONG LAKE ROAD, SUITE 120
BLOOMFIELD HILLS, MI 48302

JVN/jg